

## **The Kurultai: pro-Ukrainian election system and course towards political consolidation**

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The system of election to the next Kurultai, as well as acute problems linked to the issue of providing Crimean Tatars with land in the course of the ongoing land privatization, the under-representation of Crimean Tatars in the local and regional legislative and executive authorities, and prospects for their participation in the next election to the Crimean parliament were the key and rather traditionally critical issues of the 4th session of the Crimean Tatar 3rd Kurultai. The national congress of the Crimean Tatar people that started in the Crimea on January 5, 2001 was attended by 143 out of 167 delegates, elected to represent the people.

The next, 4th Kurultai, due in July 2001, will be elected in accordance with the new election system, as required by the newly approved Regulation on the election of delegates that has introduced a principally new provision for a majoritarian-proportionate election system. The election remains a two-level event: delegates to the Kurultai are elected by conferences of electors in the proportion of one elector for every 50 voters. The proposed system provides that conferences of electors elect, in a confidential voting procedure, 200 delegates among themselves. Fifty more delegates are elected through lists of candidates from Crimean Tatar political parties and NGOs, thus, increasing the total number of participants of the Kurultai to 250.

In order to be eligible to propose candidates for taking part in the Kurultai, a political party of an NGO should provide the Kurultai's central election commission with official registration documents and proof of legitimacy of the organization. In order to be registered as a collective subject of the election, eligible organizations should collect and submit at least 10 thousand supporting signatures of their potential voters in at least eight regions of the Crimea. This norm was revised at the recent Kurultai: initially, the threshold was set at 2500 signatures, but activists of the Organization of the Crimean Tatar movement insisted that the required number of supporting signatures to be collected for an organization to be registered for taking part in the election to be increased by four times. Hence, the new norm is expected to stimulate establishment of blocks and coalitions of movements, political parties and NGOs that are increasingly aware of their inability to meet the requirement without joining forces.

Another important change was the new provision that delegates are elected by Crimean Tatars, members of their families, citizens and non-citizens of Ukraine who are permanent residents of Ukraine. Noteworthy, there are 29,916 Crimean Tatars who are non-citizens but permanent residents of Ukraine; most of them are citizens of Russia, Kyrgyzstan and Tajikistan who, due to financial and organizational reasons so far have been unable to change their citizenship for the Ukrainian one. Therefore, interests of this substantial group of people should also be taken into account.

Another new provision on election of delegates to the Kurultai is that the Crimean Tatar diaspora delegates may be elected only by Crimean Tatars who are citizens of Ukraine but, for some reason, residents of some other country, currently estimated to number about nine thousand persons.

The first session of the 3rd Kurultai, held in June 1999, approved the Procedure of the congress, under which «elections of delegates shall be held on the whole territory of the former USSR in accordance with norms and the order specified by the Kurultai or, by its order, by the Medjlis (Article 2.2). According to Article 2.3., Crimean Tatar communities in other states «shall delegate their representatives to the Kurultai with the right of an advisory vote». While previously the factors of Ukrainian citizenship and residence of delegates were not critical for the election, the recent changes in the Procedure gave them a critical role.

The debate over the new provisions for the election of delegates to the Kurultai outside Ukraine included a summary of the impact produced by the recent congress, formulated as an address to Crimean Tatars who live in other CIS states. The document expressed hope for the fastest possible reunion of the Crimean Tatar people in the Crimea. The process has been slow due to serious materials

and financial differences faced by those willing to return to the Crimea. Reflecting their concern, a number of the delegates at the congress argued that the introduction of the new election regulations would make it impossible for the Crimean Tatar diaspora to take part in the congress, as only Crimean Tatars who are residents of the Crimea and citizens of Ukraine can be elected as delegates. Commenting on the new election rules, representative of the Crimean Tatar Medjlis in Central Asia Ali Khamzin described them as «very stern» (Golos Kryma, January 5, 2001). However, the provisions suggest the focus of the Kurultai primarily on Ukrainian and Crimean issues, representing the choice the Crimean Tatar leadership has made. They also put an end to speculations about some delegates of the Kurultai being non-citizens of Ukraine. «The provisions are the strife to count on the domestic potential at least at this stage,» argues Ali Khamzin. Therefore, the Medjlis representative in Central Asia, the home of the most numerous Crimean Tatar diaspora, sees no problem that cannot be effectively solved: «If the compatriots wish to elect more delegates to the 4th Kurultai from their region they should apply for and receive the Ukrainian citizenship, promptly and in large numbers, by December 31, 2001» (Golos Kryma, January 5, 2001).

Noteworthy, the implementation of the Ukrainian-Uzbek agreement of August 4, 1998 on cooperation in addressing the issues of citizenship of formerly forcibly displaced persons and their descendants, and the resolution of the President of Ukraine of August 22, 1998, «On Measures to Solve the Issues of Citizenship of Formerly Forcibly Displaced Individuals and their Descendants who are Returning from the Republic of Uzbekistan to Ukraine» resulted, according to the Passport Registration and Migration Department of the Crimea, in the adoption of the Ukrainian citizenship by 53,338 formerly forcibly displaced Crimean Tatars. It is expected that the new system of election of the Kurultai delegates will stimulate the process, particularly if the initiative is taken by Crimean Tatars who live in Uzbekistan.

Hence, under the new regulation a delegate of the Kurultai may be any Ukrainian citizen who has an adequate command of the Crimean Tatar language, regardless of race, color, political or religious beliefs, ethnic and social origin. In a way the new system of election of the Kurultai deputies resemble that of the 1998 parliamentary election but, hopefully, the process will be able to avoid the organizational and tactical mistakes made during the national election campaign.

The Kurultai also addressed the issue of the next Crimean parliamentary election - as if demonstrating that the election campaign had started in the Crimea as well as in other regions of Ukraine. While the 1994-1998 parliament of the Crimea included 14 Crimean Tatar MPs, members of the Kurultai faction, established through a quota provided for by the 1994 Crimean election law, there is only Crimean Tatar in the current Crimean parliament but he identifies himself exclusively as a member of the Communist party. Meanwhile, critical comments made in the joint statement of the 1998 election campaign, issued by a mission of observers of the OSCE and the Parliamentary Assembly of the Council of Europe «mentioned the absence of quotas for Crimean Tatars in the parliament of the Crimea» (Holos Ukrainy, April 1, 1998). The situation is particularly challenging given the need to promote the involvement of the Crimean Tatar political elite in the decision-making process in their local and regional communities. The failure to facilitate adequate Crimean Tatar representation in the decision-making process contradicts the declared commitment to the process of integration of Crimean Tatars into the Ukrainian society.

Similarly, Crimean Tatars are obviously underrepresented in the executive bodies. Currently the proportion of Crimean Tatars in the staffs of the Council of Ministers of the Crimea, national ministries and departments, city executive committees and district state administrations is only about 1.5 percent of the total staff (excluding the Crimean Tatars employed by the Crimean Committee for Nationalities and interethnic relations departments). Commenting on the situation, leader of the Crimean Tatar Medjlis Mustafa Dzhemilev argues that «the issue of Crimean Tatar representation in executive bodies of power is directly linked to ensuring our representation in the parliament» (from the Medjlis Chairman's report to the Kurultai). He also addressed problems linked to ensuring the representation of the Crimean Tatar people in the Crimean parliament. In his opinion, the problems can be solved by means of making relevant amendments to the Crimean Constitution, approved by the Crimean parliament on October 21, 1998 and endorsed by the Ukrainian parliament on December 23, 1999, as well as to the Crimean parliamentary election law. However, this objective is very hard to achieve given the current composition of the Crimean parliament, dominated by the regional Communist influence, and the role of the Crimean Speaker Leonid Grach who has been strongly and consistently opposed to the idea of introducing the quota system and making any concessions to Crimean Tatars. In June 1998, for instance, summing up the results of the 1998 election campaign and commenting on the

issue of Crimean Tatar representation in the autonomy's parliament, Leonid Grach argued that «four years of [providing] quotas in the Crimean parliament for former deportees have not led us anywhere. <...> I would not see any need of returning to the quota principle. Life has proved that to be a passed stage. If one thinks about looking for other ways of solving the problem, one may consider working out, studying the issue of creation of national constituencies. If we go in this direction, there is a need to answer the question what goes next. Therefore, I would not peddle the situation now» (Avdet, #12, June 16, 1998). Apparently, Leonid Grach is still reluctant to «peddle» the situation, at least taking into account the adoption of the Crimean Constitution which was strongly opposed by most of Crimean Tatar forces. The autonomy's Fundamental Law offers Crimean Tatars no guarantees of representation in any elected bodies and lacks mechanisms that would ensure their representation of the Crimean parliament.

Members of the Medjlis are well aware of the logic of the process in the Crimean parliament. In particular Mustafa Dzhemilev believes that by means of negotiations only Crimean Tatars will not be able to convince members of the Crimean parliament to amend the Crimean Constitution so that to ensure that formerly forcibly displaced persons are duly represented in the autonomy's legislature. However, he argues that there is «another way that may convince themselves of the necessity to revise the Constitution». According to the Medjlis chairman, in 1993, after massive Crimean Tatar protest actions began, the regional authorities, apprehensive of possible implications of introducing the state of emergency in the peninsula and the abolition of the autonomy, introduced one-term election quotas for the former deportees. Referring to the case, Mustafa Dzhemilev suggested that «under the current situation Medjlis so far has not started preparing to the development of the events in that direction», particularly because «the events can go out of control and cause major damage to the interests of Ukraine in general» (Interfax-Ukraine, January 6, 2001). He also said he hoped «less conflict ways of solving the problem» had not been explored.

In the process of searching for adequate ways of solving the issue of ensuring guaranteed Crimean Tatar representation in the autonomy's parliament there is another way to address the problem. «The other way, - Mustafa Dzhemilev argues, is «the approval by the Verkhovna Rada of Ukraine of a separate law that would protect the rights of the Crimean Tatar people» (Interfax-Ukraine, January 6, 2001). However, the current realities prove that prospects for solving the issue by the Ukrainian parliament are very uncertain. The draft bill «On the Status of the Crimean Tatar People» has been reviewed by the Ukrainian parliament for many years, but so far with no obvious result. During the parliamentary hearing on the issues of legal regulations and implementation of the state policy of catering for rights of Crimean Tatars and representatives of other minorities, previously forcibly displaced from the peninsula and now returning to Ukraine, member of the Communist faction in the parliament N. Shtepa announced that the issue was «explosive... if handled carelessly in order to please certain politicians' wishes». Efforts to initiate the debate on the bill in the Ukrainian parliament are viewed not as the incentive to find solution to the critical issues within the law, but rather as «attempts of pressure on both citizens of Ukraine and the deputy corps...» (from the Transcript of the parliamentary hearing on April 5, 2000).

The draft bill «On the Status of the Crimean Tatar People» is on the agenda of this parliamentary session, but it is hardly likely to be approved by the MPs easily. Commenting on the chances of the draft bill to be approved, Mustafa Dzhemilev referred to the experience of the debates - on November 1-2, 2000 - on the draft bill 'On RE-habilitation and Provision for Rights of Individuals - Representatives of National Minorities Who Were Repressed and Deported from the Territory of Ukraine», prepared by the Cabinet of Ministers. «The bill was not approved either», he said, «primarily due to the opposition of the left factions the draft bill was not approved, and only 170 out of 392 MPs present in the session hall supported our initiative to hold the repeated first reading of the draft.» According to the chairman of the Medjlis, «in this Ukrainian parliament the number of MPs who are prepared to support our legitimate demands currently does not exceed 170 to 190 persons» (Interfax-Ukraine, January 6, 2001).

Some achievements in providing for Crimean Tatars' rights, as viewed by the Kurultai, include the parliamentary hearing on April 5, 2000 on the issues of the legal framework and implementation of the state policy for providing for the rights of the Crimean Tatar people and minorities returning to Ukraine from places of their previous settlement. The hearing produced recommendations that, according to Mustafa Dzhemilev, have a number of positive points. «First, Crimean Tatars are regarded as an undivided people», Dzhemilev argues, - «second, it recognized the presence of the legal problems of

Crimean Tatars and the need to address them adequately».

Hence, while the documents of the 1st session of the 3rd Kurultai (1996) stipulated that «some elements of dialogue between the Medjlis and supreme bodies of power of Ukraine have emerged» and «initial specific steps that prove the intention to address the problems of the Crimean Tatar people in Ukraine in complex have been made», to date the dialogue between the Crimean Tatar political elite and the state authorities has reached a new quality. One of the ways of development of the dialogue was offered by the recently established Council of Representatives of the Crimean Tatar People at the President of Ukraine that currently involves all 33 members of the Medjlis. However, the establishment of the Council was not spared some difficulties: some Crimean Tatars oppose the Council arguing that the very Regulation of the Council's status contains hidden challenges. They are particularly critical of the provision stipulating that the Council's chairman and membership are appointed by the President of Ukraine following the nomination by the Chairman of the Council. There is no legal requirement that the Chairman of the Council must be the chairman of the Medjlis, and the members must be members of the Medjlis - which, according to the opponents of the Council, is a rather negative factor.

Another complicated issue addressed by the Crimean Tatar national congress was the issue of distribution of land plots, the ability of Crimean Tatars to receive land plots in the Crimea and ways to ensure that the issue was «justly solved». According to the Medjlis leader, although 70 percent of Crimean Tatars are rural residents, and the proportion of Crimean Tatars in the whole rural population of the Crimea is almost 25 percent, most of them are denied the possibility to take part in the distribution of land plots as, due to obvious reasons, they could not be members of Crimea-based collective farms. Unless the problem is properly addressed and an adequate solution is found, the «land issue» may trigger an acute conflict in the Crimea.

The outcomes included the Address to the President of Ukraine Leonid Kuchma, heads of the Verkhovna Rada and the government of Ukraine Ivan Pliushch and Victor Yushchenko, and head of the Crimean government Sergei Kunitsin, urging the officials to «take urgent and specific measures to solve the problems of the people; to halt the issue of documents granting the right of private ownership of land plots in the Crimea; to establish a special commission for making an inventory of the agrarian land which have been divided with numerous violations; to set up a special land endowment to reserve land plots for Crimean Tatars who currently return, and will continue to return from the places of deportation» (Den, January 10, 2001).

There are more than enough problems to be addressed by the Crimean Tatars in Ukraine. In addition to finding proper solutions, a key task nowadays is to ensure that the problems do not proliferate and grow - otherwise there is a risk that they may become insurmountable. An example of the current tension triggered by the erection of Orthodox Christians' crosses in places of compact settlement of Muslim Crimean Tatar communities who protest against what they see as disrespect for their faith. The reaction, obviously, further alienates the Christian community of the Crimea. If the tension deteriorates, an interconfessional conflict may become the most complex and acute conflict as the recent history has suggested. Prosaic as it may sound, the situation demands that decision-makers consider well their decisions and implications that may follow.